



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

February 25, 2022

Re: **H2-Oh-Yeah (Steamtown)
Notice of Violation (NOV)
NOV
LAMP
Morrow County
4MP00028*AM**

Ms. Cari Oberfield
Renergy, Inc.
P.O. Box 249
Delaware, OH 43015

Subject: Notice of Violation

Dear Ms. Oberfield:

Ohio EPA, Division of Surface Water (DSW) performed an inspection of the H2-Oh-Yeah Anaerobic Treatment Lagoon (Steamtown ATL) on February 23, 2022. The goal of the inspection was to determine your facility's compliance with Ohio's environmental laws and regulations and the terms and conditions of the Steamtown Land Application Management Plan (LAMP) issued on April 1, 2019, and Permit-to-Install (PTI) No. 1278450 issued on February 12, 2019.

Violations

Ohio EPA observed the following violations of Ohio's environmental laws and regulations and the LAMP terms and conditions. Ohio EPA DSW recommends you promptly address these violations.

Please pay special attention to the **Violation Description** and **Requested Action** associated with each violation listed below as they describe what exactly is in violation and the requested action to address the violation.

1. **Ohio Revised Code (ORC) 6111.07(A)**: No person shall violate or fail to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violate any order, rule, or term or condition of a permit issued or adopted by the director of environmental protection pursuant to those sections. Each day of violation is a separate offense.

LAMP 4MP00028, Part I. Station 602: The permittee shall monitor and maintain at least 1.5 foot of freeboard within the treated wastewater storage lagoon (north lagoon) at all times.

LAMP 4MP00028, Part II. A.: Renergy Soil and Water, LLC shall be responsible for proper operation and maintenance of the treated industrial wastewater land application system.

- (a) **Violation Description**: During the inspection on February 23, 2022, the level of material in the North Lagoon was observed to be at the top of the berm. No additional storage capacity for material or rain was available in the North Lagoon.

- (b) **Additional Information:** The January monthly report indicated a freeboard of 2.0 feet on January 31, 2022.
- (c) **Requested Action:** Immediately begin removing material from the North Lagoon and take the material to a permitted NPDES facility for treatment. Enough material needs to be removed from the North Lagoon to maintain the required freeboard of 1.5 feet. No new material shall be added to the lagoon system until this violation is resolved by Ohio EPA.

Starting on the day after issuance of this NOV, submit daily reports to Ohio EPA that include the following:

- a. Volume of material removed from the lagoon;
- b. NPDES facility receiving the material for treatment;
- c. Lagoon level.

This daily reporting shall continue until this violation is resolved by Ohio EPA.

2. **Ohio Revised Code (ORC) 6111.07(A):** See above.

PTI No. 1278450: The plans approved by this PTI indicate a design freeboard of 2.0 feet for the South Lagoon.

- (a) **Violation Description:** During the inspection on February 23, 2022, the South Lagoon was observed to be less than 1 foot from the top of the berm.
- (b) **Requested Action:** Lower the level of the South Lagoon. This may be accomplished by gravity flow once the North Lagoon has been lowered to allow additional storage while still maintaining the required freeboard or by taking the material to a permitted NPDES facility for treatment. Enough material needs to be removed from the South Lagoon to meet the required freeboard of 2.0 feet. No new material shall be added to the lagoon system until this violation is resolved by Ohio EPA.

Starting on the day after issuance of this NOV, submit daily reports to Ohio EPA that include the following:

- a. Volume of material removed from the lagoon;
- b. NPDES facility receiving the material for treatment, if applicable;
- c. Lagoon level.

This daily reporting shall continue until this violation is resolved by Ohio EPA.

3. **Ohio Revised Code (ORC) 6111.07(A):** See above.

LAMP4MP00028, Part II.O.: By January 31 of each year, the permittee shall submit a Land Application of Wastewater Annual Report to the Ohio EPA, Central District Office, Division of Surface Water. The annual report shall consist of a summary of the information and data collected as outlined in Section C of the August 27, 2018, document entitled "Further Treated Anaerobic Digester Wastewater Land Application Management Plan - Steamtown Facility".

- (a) **Violation Description:** The required annual report has not been submitted.
- (b) **Requested Action:** Please submit the annual report.

Conclusion

Immediate action is required to resolve the freeboard violations. Submittal of the daily reports requested shall commence on the day after receipt of this NOV.

No later than March 4, 2022, submit the requested plan(s) and provide documentation to Ohio EPA DSW of the actions taken and/or will be taken to resolve the violation cited above.

Requested documentation may be submitted electronically to betsy.sheerin@epa.ohio.gov and david.emerman@epa.ohio.gov. If circumstances delay resolution of this violation, H2-Oh-Yeah (Steamtown) is requested to contact Ohio EPA to discuss the situation and propose an alternative schedule to resolve the violation in a timely manner.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Section 6111.09 of the ORC.

Should you have any questions, please contact me at betsy.sheerin@epa.ohio.gov or 614-644-2150.

Sincerely,



Betsy L. Sheerin, P.E.
Environmental Specialist III
Ohio EPA Division of Surface Water

Enclosures

ec: Erin Sherer, Ohio EPA DSW/CO
David Emerman, Ohio EPA DSW
Scott Sheerin, Ohio EPA DSW/CO
Isaac Robinson, Ohio EPA DSW/CDO



West side of North Lagoon, facing south



West side of North Lagoon



West side of North Lagoon, facing North



North Lagoon on the left, South Lagoon on the right



Southwest corner of South Lagoon, facing north



Southwest corner of South Lagoon, facing east